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COMMITTEE ON THE RIGHTS OF THE CHILD
30th Session
Pre-sessional Working Group
4 – 8 February 2002

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with the consideration of the initial report of Switzerland (CRC/C/78/Add.3)

PART I

Under this section the State party is requested to submit in writing additional and updated information, if possible, before 5 April 2002:

A. Data and statistics, if available for 1999, 2000 and 2001

1. Please provide demographic data of the under-18 population, disaggregated by sex, age, by canton, and by national background.

2. Please provide specific disaggregated data on Federal and Cantonal budgetary allocation and spending for social needs, as percentages of total Federal and Cantonal expenditures. In particular, how much was spent on:
   a) education (including allocations for pre-primary, primary and secondary education, salaries, preservation of school buildings, etc.);
   b) health (including allocations for primary health care, vaccinations, adolescent health care and other health care services for children);
   c) child-care facilities;
   d) child protection (for example institutional or foster care);
   e) juvenile crime prevention and rehabilitation; and
   f) other social services.

3. For children deprived of a family environment and separated from parents, please provide information, disaggregated by sex and age, on the number of:
   a) children separated from their parents;
   b) children placed in institutions;
   c) children adopted via domestic or intercountry adoption.

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4. Please specify the enrolment and completion rates, disaggregated by sex, age, and according to type of school (i.e. public, and private) in percentages of the relevant age group in:
a) pre-primary;
b) elementary;
d) secondary; and
e) vocational schools.

5. Please specify the number of children with disabilities, disaggregated by sex and age:
a) living with their families;
b) in institutions;
c) attending regular schools; and
d) attending special schools.

6. Please specify the number of unaccompanied children (disaggregated by sex, age) for the last three years that:
a) have applied for asylum;
b) have pending cases;
c) were granted residency.

7. Please specify the number of children (disaggregated by sex, age, type of crime):
a) who allegedly committed a crime which was reported to the police;
b) who were sentenced by Courts to sanctions, and the nature of the sanctions imposed (e.g. fines, imprisonment, community service, other);
c) number of suspended sentences;
d) where the sanction is deprivation of liberty, please further specify the period of imprisonment; and
e) percentage of recidivism cases.

B. General Measures of Implementation

1. In respect of the reservations made on five articles of the Convention, the Committee notes the Federal Council's position of 13 March 2000 and is aware of a procedure of consultation which will start in March 2002 on the issue of withdrawal of these reservations. Please provide information on the development of this consultation process.
2. More particularly, with regard to the reservation on
   - article 5: please explain the legal grounds for this reservation;
   - Article 7: please provide information on the development of the revision of the Law on nationality regarding naturalization;
   - Article 10(1): please provide information on the development of the current revision of the Federal Act concerning the Permanent and Temporary Residence of Foreigners with regard to family reunification;
   - Article 37(c): please provide information on the development of the federal bill on the criminal status of minors regarding the separation of children from adults when deprived of liberty. Please explain also if there is no possibility to reduce the delay of 10 years which is foreseen in the current draft before separation of children

from adults can be enforced?

- Article 40: please specify the reasons of the reservation made relating to the separation, where personnel or organization is concerned, between the examining authority and the sentencing authority. Please specify what are the conditions required for a child to obtain legal assistance. Please specify what are the situations where a child is tried by the highest tribunal at first instance and provide disaggregated data on such cases which occurred during the last three years. Provide also information on the conditions required for obtaining the free assistance of an interpreter. Finally, provide information on the development of the current revision of the various Acts on each of the issue addressed in the reservation on article 40.

3. With respect to the implementation of the Convention—and in light of the federal structure of the State Party—please indicate how the following are achieved:
   a) intersectoral co-ordination and co-operation on child rights at and between the federal cantonal, and municipal levels
   b) monitoring at the federal, cantonal and municipal level; including receiving and addressing individual complaints of violations of child rights at those levels; and
   c) the collection and analysis of disaggregated data, in order to design policies and programmes affecting all persons under 18 years.

4. Please describe the mechanism to ensure respect at the cantonal and municipal levels of the rights contained in the Convention on the Rights of the Child.

5. If any overlap or duplication exists in the areas of competence, inconsistencies in policies, or differences in implementing the Convention among the different levels (federal, cantonal, municipal), what is measures are undertaken to remedy this situation?

6. Please provide details, if any, of a comprehensive national plan of action or policy to implement the Convention.

7. Please provide information regarding the effectiveness of the State party's public awareness campaigns of the Convention, particularly for professionals working for and with children (e.g. of Government officials, community-based organisations, judges, the mass media), and the public-at-large, including children themselves)

PART II

Please provide the Committee with copies of the text of the Convention on the Rights of the Child in all official languages of the State Party as well as in other languages or dialects spoken, when available. If possible, please submit these texts in electronic form.

PART III

Under this section, the State party is to briefly (3 pages maximum) up-date the information provided in its report with regard to new Federal and cantonal level:

- **bills or enacted legislation;**
- **institutions;**
- **implemented policies; and**
- **implemented programmes and projects, and their scope.**

PART IV

The following is a preliminary list of major issues that the Committee may take-up during the dialogue with the State party. THEY DO NOT REQUIRE WRITTEN RESPONSES. This list is not exhaustive, and other issues may be raised in the course of the dialogue.

The dialogue with the State party might include issues such as:

1. information about the implementation in practice (e.g., in court decisions, in decisions by administrative bodies, in developing national and local policies on children's issues) of the principles of non-discrimination (art.2), the best interests of the child (art.3), the right to life, survival and development (art. 6) and the right of the child to be heard (art.12).

2. the right to nationality and naturalization of children.

3. police ill-treatment affecting children, notably foreign children.

4. support to families: maternity leave; childcare services and facilities, children allowances and benefits. Special attention to families who are living in poverty.

5. family reunification for temporary resident and temporarily accepted refugees.

6. adoption of children: notably the issue of intercountry adoption

7. the situation of abuse and neglect, including sexual abuse within the family, and domestic violence. Strategies developed to prevent child abuse and mechanisms established to adequately assist both the victims and perpetrators of abuse. Further, the use of corporal punishment in families, schools, care and other institutions and whether alternative disciplinary measures have been developed to combat this practice

8. children with disabilities with special emphasis on their education and the provision of special allowances.

9. social security: the development of the review of the system and the implication on the

right to access to health due to the high costs of social security.

10. the high rate of (attempted) suicide among adolescents.

11. the high rate of deaths due to road traffic accidents.

12. the situation of unaccompanied minors, asylum-seeking, refugee children; migrant and Roma children.

13. trafficking and sexual exploitation of children, including child pornography via the Internet.

14. the process of review of the juvenile justice system and its conformity with international standards.